

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

| | | |
|---------------|---|------------------------|
| IN RE: | § | CASE NO. 08-20567-C-13 |
| Charles Garza | § | |
| Sherri Garza | § | |
| DEBTOR(S) | § | CHAPTER 13 |

DEBTOR(S)' MOTION TO MODIFY CONFIRMED PLAN AND
NOTICE OF HEARING AND TIME TO OBJECT

THIS MOTION SEEKS AN ORDER THAN MAY ADVERSELY AFFECT YOU. IF YOU OPPOSES THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A HEARING ON THIS PROPOSED MODIFICATION IS SET FOR JUNE 22, 2009 AT 2:00 O'CLOCK P.M. AT THE UNITED STATES BANKRUPTCY COURT, 1133 N. SHORELINE, 2ND FLOOR, CORPUS CHRISTI, TEXAS.

THE DEBTOR(S) move to modify their confirmed plan as follows:

- HISTORY OF THE CASE:** This case was filed on October 6, 2008 and the plan was confirmed on March 23, 2009. The plan has been previously modified on the following dates: N/A.
- REASONS FOR MODIFICATION:**
Debtors wish to modify their plan to increase plan base to provide for payment to all creditors. Mortgage claim was higher than originally provided for.

3. **PROPOSED PLAN MODIFICATIONS:**

- a. All payment defaults are cured by this modification
- b. Future plan payments to the trustee shall be as follows:

| | |
|----------------|-------------------|
| (1)Months:1-7 | Payment \$2800.00 |
| (2)Months:8-60 | Payment \$3050.00 |

c. Bar the following claims for failure to file a claim by the bar date: AMCA \$29.18, AMCA \$128.03, Caris Diagnostics, Children's Clinic \$96.00, Children's Clinic \$25.64, Citifinancial, City of Port Aransas, Credit Collection Services \$22.20, Credit Collection Services \$79.38, Credit Mgmt Inc., Blockbuster Video, GHEP Corpus Christi PLLC, IC Systems \$1698.00, IC Systems \$145.00, Kollection Koncepts, Management Concepts, NCP Finance LTD Partnership, Premium Asset Recovery, Sarma Collect Southwest Credit Systems, Sprint, Vital Recovery Services, West Asset Mgmt \$150.00, West Asset Mgmt \$406.00, West Asset Mgmt \$121.00, West Asset Mgmt \$75.00, West Asset Mgmt \$57.00, West Asset Mgmt \$200.00, Womens Clinic

5. **INTERIM PAYMENTS:** Payments due under this modification will commence the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

6. **BUDGET:** Copies of Debtor(s)' most recent pay stubs and tax returns have been provided to the Trustee and:

Amended schedules I and J have been filed with the court.

7. **ATTORNEYS' FEES:** Debtor(s)' counsel shall be paid \$0.00 through the plan as a fixed fee for this modification.

8. All provisions of Debtor's confirmed plan not modified herein shall remain in effect.

I (we) declare under penalty of perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtor(s).

/s/ Pat B. Fossett
Attorney for Debtor(s)

/s/ Charles Garza
Debtor

Date: 5/13/2009

/s/ Sherri Garza
Joint Debtor

CERTIFICATE OF SERVICE

This is to certify that on this day, a true and correct copy of the foregoing was/were served via U.S. Mail, postage prepaid to the following parties:

TRUSTEES

Cindy Boudloche, Trustee
555 N. Carancahua, Ste. 600
Corpus Christi, TX 78475

United States Trustee
515 Rusk, Suite 3516
Houston, TX 77002

DEBTOR

Charles & Sherri Garza
7001 Fruitwood
Corpus Christi, Texas 78413

CREDITORS

Along with attached list

5/13/2009
Date

MALAISE LAW FIRM
/s/ Pat B. Fossett
Pat B.Fossett, Attorney(s) for the Debtor
Bar No. 24004652 Fed 22549
606 N. Carancahua St., Ste.1100
Corpus Christi, Texas 78476
(361) 884-7400/FAX: 882-3299